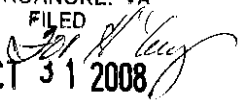


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
OCT 31 2008
JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

LAWRENCE W. LOWERY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil Action No. 5:07CV00091

FINAL ORDER

By: Samuel G. Wilson
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welsh, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered denying the Commissioner's motion for summary judgment; reversing the decision denying benefits, remanding the case to the Commissioner for the sole purpose of calculating and paying benefits, and dismissing the case from the docket. Objections to the report and recommendation have not been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. It is accordingly, **ORDERED** and **ADJUDGED** that the Commissioner's summary judgment motion is **DENIED**, the plaintiff's summary judgment motion is **GRANTED**, the case is **REMANDED** to the Commissioner for further proceedings in accordance with the report and recommendation, and this case is **ORDERED** stricken from the docket of the court.

ENTER: This October 31, 2008.


UNITED STATES DISTRICT JUDGE